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| APPLICATION NO.                                                                                         | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO.       |
|---------------------------------------------------------------------------------------------------------|-------------|----------------------|-----------------------------|------------------------|
| 10/822,604                                                                                              | 04/12/2004  | Paul E. Zarembo      | 279.733US1                  | 2862                   |
| 21186 7590 10/09/2007<br>SCHWEGMAN, LUNDBERG & WOESSNER, P.A.<br>P.O. BOX 2938<br>MINNEAPOLIS, MN 55402 |             |                      | EXAMINER<br>BOCKELMAN, MARK |                        |
|                                                                                                         |             |                      | ART UNIT<br>3766            | PAPER NUMBER           |
|                                                                                                         |             |                      | MAIL DATE<br>10/09/2007     | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/822,604

Applicant(s)

ZAREMBO ET AL.

Examiner

Mark W. Bockelman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-12 and 26-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12, 26-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6 -7, 11-12, 31, 34, 36, 38-39 are rejected under 35

U.S.C. 102(e) as being anticipated by Sephr et al USPN 6,650,921. Sephr shows various embodiments of inner and outer electrodes with a interlocking friction fit holding and a conductor there between. See figure 7. Figure 8 shows a stepped inner electrode 68. Each of the electrodes have an edge which could be used to strip insulation. Claim 11 seems to be a product by process claim.

Claims 1, 6, 7, 11, 34, 36, 38 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Nguyen et al USPN 6,006,123 or Scott USPN 5,005,587. For Scott see figure 2 coil conductor 24 outer electrode 14 and inner electrode (see metal indicating cross hatching) 49. For Nguyen, see figure 2 inner electrode 9 and outer electrode 11.

Claims 1, 3, 6, 7, 11-12, 26, 29, 30, 32, 33, 34, 35, 36, 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Muensch USPN 3,769,984. Muensch teaches an outer insulative body 11 with a conductor 15 therein, an inner crimp ring (22-23) forms and inner electrode and an outer electrodes 12 and 14 are seated about the inner conductor distal end and the inner crimp ring with

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adhesive of welding applied thereto (column 3 lines 35-40). Thus, the distal end is insulated from the insulated body by virtue of it being sandwich between the inner and outer electrode members. The insulative tubing forming the outer insulative body in 210 is disposed over the conductor as well the inner electrode. The examiner considers the use of an adhesive or weld to be an interlocking means as well as the crimping of the rings together. The examiner considers the edges of the electrodes to be an insulation disruption means. The crimp rings will retain there shape and thus have shape memory.

Claims 1,7, 12, 36, 37 and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Swoyer USPN 6,062,567. See figure 5 with coil conductor 108 within an insulative body and inner electrode 214 with interlocking/disruption means - threading forming and outer electrode 216 forming and annular engagement means for engaging the wire.

Claims 7 and 39 rejected under 35 U.S.C. 102(b) as being anticipated by Little USPN 4,214,804 or Bornzin USPN 4,502,492. For Little, see figures 2 and 3 with inner conductor 28, outer conductor 19 annularly engaging coil conductor 17. For Bornzin, see inner electrode 48, outer electrode 26 and coil conductor 54.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 8-10, 26-30, 32-33, 35, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sephr et al USPN 6,650,921, Nguyen et al USPN 6,006,123 or Scott USPN 5,005,587. Applicant differs from the base references in reciting various conventional coatings and securing elements (welding , adhesives) all well known in the art and obvious for treating and connection electrodes.

Claims 6, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muensch USPN 3,769,984 in view of Sephr et al USPN 6,650,921. By reading applicant's claims 6 and 12 more narrowly, it would have been obvious to include a roughened electrode surface as seen in the cover sheet of Spehr generally at 50a.

Claims 2, 9, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muensch USPN 3,769,984 in view of Bornzin USPN 4,502,492. Applicant differs from Muensch in reciting a coil conductor, a stepped inner electrode and swaging of the electrode members. Muensch shows a stepped inner electrode in the form of a swaging metal pin 48. To have included such in the Muensch device as an alternative connecting means would have been obvious.

Claims 28 and 37 rejected under 35 U.S.C. 103(a) as being unpatentable over Muensch USPN 3,769,984 in view of Helland et al USPN 5,318,572.

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providing applicant's recited coatings on the electrode of Muensch would have been conventional as demonstrated by Helland et al.

### ***Response to Arguments***

Applicant's arguments filed 7-26-2007 have been fully considered but they are not persuasive. The new limitation to claim 1 is not understood since the inner and and outer electrode members contact the insulation in applicant's specification and thus it is questioned how this insulates the conductor tip. The examiner considers it's meaning to be that in merely covers the conductor tip and is not in contact with the insulation. With respect to the amendment to claim 7, the annular engagement is seen in each of the references to be the ring type inner and outer electrodes forming an annular contacting surface to which the conductor contacts some portion thereof.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark W. Bockelman whose telephone number is (571) 272-4941. The examiner can normally be reached on Monday - Friday 10:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272 -4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWB

September 30, 2007

  
MARK BOCKELMAN  
PRIMARY EXAMINER